

REMARKS

Claims 1 through 11 are pending in the application. In the last Office Action, the Examiner objected to the previous claim amendments, and rejected the claims under Section 103 as follows:

1. Claims 1, 2, 5, and 6 were rejected as obvious over U.S. Patent No. 5,975,963 to Higuchi and U.S. Patent No. 6,644,985 to Wilson;
2. Claims 1, 3, and 8 were rejected as obvious over Higuchi and U.S. Patent No. 6,623,284 to Korsunsky.
3. Claims 4 and 7 were rejected as obvious over Higuchi, Korsunsky, and U.S. Patent No. 6,530,788 to Ju.
4. Claims 9 and 11 were rejected as obvious over Korsunsky and Higuchi.
5. Claim 10 was rejected as obvious over Korsunsky, Higuchi, and U.S. Patent No. 6,644,985 to Wilson.

Applicant requests reconsideration of these rejections.

Section 112:

The Examiner objected to claims 1 through 11 because improper markings were used in indicate amendments in independent claims 1 and 9. Applicant resubmits these amendments in proper format, with strikethroughs and underlines.

Section 103:

Independent claims 1 and 9: the “pyramidal space”.

Claims 1 and 9 both recite the term “pyramidal space”. Accordingly, Applicant will discuss these two claims together.

Wilson

In the view of the Examiner, Wilson describes the “pyramidal space” recited in claim 1. Applicant traverses this rejection and respectfully requests reconsideration.

Wilson describes a “conical” space. Wilson does not describe a “pyramidal” space. Wilson states, at column 9, lines 29-31, that the bottom surface 51 “may be planar or conical, but preferably includes a recess 52 adapted for receiving the electrical attachment medium 9.” Please note that Wilson’s Figures 5 and 6 show recess 52 as triangular in cross-section. Recess 52 therefore, according to these illustrations, is conical.

Applicant stated, in the specification, that space 40 can be “pyramidal, or frustoconical”. Despite describing two alternate embodiments, Applicant only claimed the pyramidal embodiment. A pyramid is not a cone and Wilson therefore does not describe the pyramidal space limitation of claim 1.

Korsunsky

In the view of the Examiner, Korsunsky also describes the “pyramidal space” recited in claim 1. Applicant traverses this rejection and respectfully requests reconsideration.

The Examiner bases this conclusion on the “commonly accepted” definition of pyramidal as “that which is typically a square ground plan, having outside walls in the form of four triangles that meet in a point at the top, and inner sepulchral chambers; a structure or object of similar form.” No citation is given to this “commonly accepted” definition but it is identical to definition 1 in Merriam-Webster’s OnLine Dictionary, a copy of which is attached as Exhibit A.

Applicant objects to the Examiner’s use of this “commonly accepted” definition on two bases. First of all, Applicant is entitled to be his own lexicographer. Second, Merriam-Webster’s definition 1, with its reference to sepulchral chambers, is clearly inapposite.

It is a “well-established axiom in patent law that a patentee or applicant is free to be his or her own lexicographer”. Manual of Patent Examining Procedure Section 2173.05(a)(III). Moreover, the words of a claim must be construed based on the specification. *Phillips v. AWH Corp.*, 363 F.3d 1207 (Fed. Cir. 2005). The pyramidal space of claim 1, clearly not being an ancient massive structure found especially in Egypt and not having inner sepulchral chambers, should not be limited to such a form.

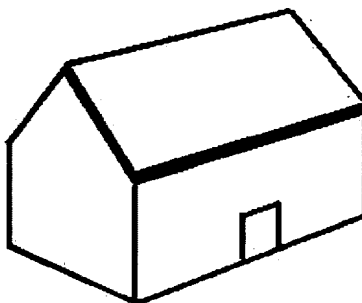
Rather, the pyramidal space of claim 1 should be construed consistently with the drawings. Figure 4 shows space 40 as enclosed by side wall 45, which appears to have an octahedral base and trapezoidal faces slanting inward. This drawing is consistent with the specification, which states that the “inside surfaces of the side wall 45 slant toward inside in every direction”.

In fact, the pyramidal space 40 described in the present application is quite similar to definition 2 given by Merriam-Webster’s OnLine Dictionary: “a polyhedron having for its base a polygon and for faces triangles with a common vertex.” See Exhibit A.

Applicant’s use of the term “pyramidal” is therefore consistent with a commonly-accepted usage. Of course, Applicant’s pyramidal space is not precisely a pyramid. But “pyramidal” means “like a pyramid”, not necessarily exactly like a pyramid.

So while the Examiner criticizes Applicant for having “taken liberties” in using the term “pyramidal”, Applicant is perfectly entitled to take liberties in using terms any way it wants, so long as the specification is clear. The Examiner, on the other hand, is not entitled to take the same liberties in applying “pyramidal” to Korsunsky. The Examiner is not the lexicographer and is not entitled to use her own meaning; she must use the meaning consistent with the specification.

Korsunsky does not describe a pyramidal space. Korsunsky may have two faces slanting inward, but Korsunsky's space is open at the other two ends. Korsunsky's space is like a gable roof:



No reasonable person would refer to a gable roof as "pyramidal". It does not meet the dictionary definition, it is not consistent with the specification and drawings of the present application, and it is therefore improper to apply Korsunsky's gabled space to Applicant's pyramidal space.

Applicant therefore requests reconsideration of the rejections of claims 1 and 9.

Claims 2-8, 10, and 11:

The rejections of all dependent claims were based on one or the other of Wilson and Korsunsky describing a pyramidal space. Since these references do not describe a pyramidal space, the dependent claims are therefore not obvious. Applicant therefore respectfully requests reconsideration of the rejections of the dependent claims as well.

Claim 6:

In addition to the foregoing, Applicant respectfully requests reconsideration of claim 6. According to the Examiner, Wilson shows, in Fig. 6E, a pyramidal space open at the top.

Wilson's Figure 6E, however, is a cross-section. The opening in Wilson's device, although at the top of the page, is actually on the side of the device:

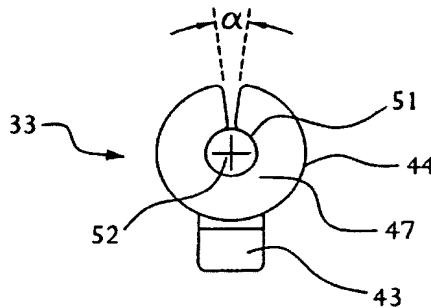


FIG. 6E

What appears to be an opening in Wilson's device in Figure 6E is axial slot 53 (page 9, lines 42-47). There is no indication that this axial slot opens the top of Wilson's conical recess 52.

Applicant accordingly requests that the Examiner reconsider this rejection.

Should the Examiner believe that a telephone conversation will facilitate the prosecution of the above-identified application, the Examiner is invited to call Applicant's attorney.

Respectfully submitted,

MOLEX INCORPORATED

Dated: March 19, 2007

By: Robert J. Zeitler
Robert J. Zeitler
Registration No. 37,973
Molex Incorporated
2222 Wellington Court
Lisle, Illinois 60532
Tel.: (630) 527-4884
Fax.: (630) 416-4962